

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID MICHAEL POWELL,

Plaintiff,

v.

Case Number 19-11194

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

ARGOSY UNIVERSITY, DREAM
CENTER EDUCATION HOLDINGS,
DOTTORE COMPANIES, LLC, and
U.S. DEPARTMENT OF EDUCATION,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE FOR FAILURE TO PROSECUTE**

Presently before the Court is the report issued on December 9, 2019 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss the complaint without prejudice for failure to prosecute, after the plaintiff failed to take required action to allow service of process to be completed by the United States Marshal and failed to respond to the Court's order to show cause. The Court notes that the plaintiff has taken no action and filed no other papers in this matter since the initial pleadings were docketed in April 2019. Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 9) is **ADOPTED**, and the complaint is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: January 15, 2020

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 15, 2020.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI